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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 FRANKLIN CHUKWUMA NWAGBO,)
09) CASE NO. C12-0003-RSM-MAT
Petitioner,)
10 v.) REPORT AND RECOMMENDATION
11 ICE FIELD OFFICE DIRECTOR,)
12 Respondent.)
13 _____)

14 On January 17, 2012, petitioner filed a Petition for Writ of Habeas Corpus pursuant to
15 28 U.S.C. § 2241, seeking an order commanding his immediate release from immigration
16 detention or an order requiring the United States Immigration and Customs Enforcement
17 (“ICE”) to conduct a bond hearing. (Dkt. No. 7.) Respondent filed a Return and Motion to
18 Dismiss on February 23, 2012, arguing that petitioner was properly detained pursuant to 8
19 U.S.C. § 1226. (Dkt. No. 11.) However, petitioner was subsequently released from
20 immigration detention. Accordingly, the Court issued an order directing petitioner to
21 voluntarily dismiss his habeas corpus action or show cause why it should not be dismissed as
22 moot. (Dkt. No. 14.) On May 9, 2012, petitioner filed the instant motion to dismiss,

01 requesting that the Court dismiss his habeas corpus petition as moot. (Dkt. No. 17.)

02 For a federal court to have jurisdiction, “an actual controversy must exist at all stages of
03 the litigation.” *Biodiversity Legal Foundation v. Badgley*, 309 F.3d 1166, 1173 (9th Cir.
04 2002). “When a controversy no longer exists, the case is moot.” *Id.* Because the requested
05 relief is no longer available, the Court recommends that petitioner’s motion to dismiss be
06 granted, and this matter be dismissed as moot. *See Picrin-Peron v. Rison*, 930 F.2d 773, 776
07 (9th Cir. 1991) (finding that because petitioner only requested release from custody and had
08 been released, the court could provide no further relief and the petition was properly dismissed).

09 A proposed Order accompanies this Report and Recommendation.

10 DATED this 11th day of May, 2012.

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13 Mary Alice Theiler
14 United States Magistrate Judge
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